

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL ACTION NO. 06-447-1
	:	CIVIL ACTION NO. 11-5192
BRIAN J. NEWMARK	:	

ORDER

AND NOW, on this 21st day of December, 2011, upon consideration of Motion to Vacate Sentence Pursuant to § 2255 (Doc. No.178) and the Government's response thereto (Doc. No. 184), and following a hearing on the motion on November 17, 2011, **IT IS ORDERED** that:

1. Mr. Newmark's Motion to Vacate Sentence Pursuant to § 2255 is **DENIED**;
2. There is no probable cause to issue a certificate of appealability; and
3. The Clerk of Court shall mark this case **CLOSED** for all purposes, including statistics.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
United States District Judge